

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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THE CITY OF NEW YORK; THE CITY OF  
PHILADELPHIA; and THE CITY AND  
COUNTY OF SAN FRANCISCO;

*Plaintiffs,*

Civil Action No.: 1:17-cv-01464-  
CMH-MSN

v.

THE UNITED STATES DEPARTMENT OF  
DEFENSE; *et al.*;

*Defendants.*

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**[PROPOSED] PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE ENTITY DEFENDANTS**

Plaintiffs the City of New York, the City of Philadelphia and the City and County of San Francisco (collectively, "Plaintiffs"), by their counsel, pursuant to Federal Rules of Civil Procedure 26 and 34, hereby serve the following Requests for Production of Documents (the "Requests") on Defendants the United States Department of Defense, the United States Department of the Air Force, the United States Department of the Navy and the United States Department of the Army, each of which is requested to produce the following described documents for inspection and copying at the offices of Pillsbury Winthrop Shaw Pittman LLP, at 1650 Tysons Blvd., McLean, VA 22102-4856, within the time period mandated by Federal Rule of Civil Procedure 34 or the Court's Order, whichever is shorter.

**DEFINITIONS AND INSTRUCTIONS**

1. "CJIS" shall mean the Criminal Justice Information Services Division of the FBI.

2. The “1997 Report” shall mean the report published by the Inspector General of the DoD on February 10, 1997, which evaluated defendants’ compliance with its criminal history data reporting requirements.

3. The “2015 Report” shall mean the report published by the Inspector General of the DoD on February 12, 2015, which evaluated defendants’ compliance with its criminal history data reporting requirements.

4. The “2017 Report” shall mean the report published by the Inspector General of the DoD on December 4, 2017, which evaluated defendants’ compliance with its criminal history data reporting requirements.

5. “Communication” or “communications” shall mean the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

6. “Concerning” shall mean relating to, referring to, describing, evidencing or constituting.

7. “Document” or “document” shall be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

8. The term “identify” when used in reference to a person or persons shall mean the following:

a. For a natural person, give to the extent known, the person’s full name, the present or last known address and present or last known place of employment.

b. For other persons, give to the extent known: (i) the full name of the organization or entity; and (ii) the name, employer, job title, business address, telephone number,

and place of work of each individual employed by, affiliated with or representing such organization or entity with whom communications have been made relating to the subject matter of the request.

9. The term “identify” when referring to a document shall mean to give, to the extent known: (i) the type of document; (ii) the general subject matter of the document; (iii) the date of the document; and (iv) the author(s), addressee(s), and recipient(s) of the document.

10. The term “identify” when referring to a communication, shall mean to give, to the extent known: (i) the date and place of such communication; (ii) the identity of each person who was present at, involved in, connected with or who participated in such communication; (iii) the identity of the type of communication (e.g., letter, telegram, conference, telephone conversation, etc.); (iv) the identity of each document reflecting or comprising such communication; and (v) the substance of each such communication.

11. “Include” and “including” shall have their ordinary meaning and shall mean “including, but not limited to.”

12. “Person” or “individual” shall mean any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

13. “Refer” or “Relate to” shall mean containing, constituting, discussing, describing, identifying, referring to, supporting, explaining, contradicting and/or in any way pertaining to the subject specified.

14. If you believe that any of the following Requests calls for the production of documents that you claim contains privileged material, produce so much of the information as is not objected to, and set forth, with respect to all information as to which a claim of privilege is asserted, the nature of the privilege claimed (e.g., attorney-client and/or work product privileges)

and all the reasons upon which you base the claim of privilege. For any information as to which you claim privilege, state:

- A. The date thereof;
- B. the type, title and subject matter of the document, sufficient to assess whether the assertion of privilege is valid;
- C. the name of the person or persons who prepared or signed the document;
- D. the name and positions of all intended and actual recipients of the document;
- E. each person now in possession of the original or a copy of the document;
- F. if not previously identified, the nature of the privilege being claimed and all facts relevant to the claim; and
- G. the number of the document request to which the document is responsive.

15. The singular of each word shall be construed to include its plural and vice versa, and the root word and all forms thereof (e.g., participles and infinitives, etc.) shall be construed to include each other.

16. “And” as well as “or” shall be construed both conjunctively as well as disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

17. “Each” shall be construed to include “all,” and vice versa.

18. “Any” shall be construed to include “all,” and vice versa.

19. The present tense shall be construed to include the past tense, and vice versa.

20. The masculine shall be construed to include the feminine, and vice versa.

21. Electronically stored information shall be produced in text searchable “Tagged Image File” format (.tif) accompanied by the complete metadata in a delimited load file. Further, specific items of such information, such as spreadsheets, shall be produced in their native file format.

22. Unless indicated otherwise in the specific Request, these Requests call for information and documents beginning on February 10, 1997 up to the present date.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents concerning the completeness or incompleteness of your communications with, or reporting to, CJIS regarding the criminal conviction and dishonorable discharge information of members of the Military Services, including all documents concerning the reasons such communications are incomplete.

2. Documents sufficient to show your policies and procedures for compliance with your responsibilities regarding reporting criminal conviction and dishonorable discharge information of members of the Military Services.

3. All documents concerning your failure to comply fully with your responsibilities regarding reporting criminal conviction and dishonorable discharge information of members of the Military Services, including the reasons for such failures.

4. All documents concerning your responses to, or any remedial action taken in connection with or because of, the 1997 Report.

5. All documents concerning any investigation(s) of the findings of the 1997 Report.

6. All documents concerning your responses to, or any remedial action taken in connection with or because of, the 2015 Report.

7. All documents concerning any investigation(s) of the findings of the 2015 Report.

8. All documents concerning your responses to, or any remedial action taken in connection with or because of, the 2017 Report.

9. All documents concerning any investigation(s) of the findings of the 2017 Report.

10. All documents concerning your responses to, or any remedial action taken in connection with or because of, the failure to report to CJIS the 2012 court-martial and conviction of Devin P. Kelley.

11. Documents sufficient to identify the Persons within the Executive Branch or the Legislative Branch of the United States Government to whom copies of the 1997 Report were distributed.

12. Documents sufficient to identify the Persons within the Executive Branch or the Legislative Branch of the United States Government to whom copies of the 2015 Report were distributed.

13. Documents sufficient to identify the Persons within the Executive Branch or the Legislative Branch of the United States Government to whom copies of the 2017 Report were distributed.

January \_\_, 2018

Respectfully submitted,

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